



State of Arizona Naturopathic Physicians Medical Board

"Protecting the Public's Health"

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Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND – Chair, Dr. Brian J. Popiel, ND – Vice Chair, Karen Tibbitts – Secretary/Treasurer

Diva Galan – Public Member, Dr. Clinton C. Campbell, Ph.D – Public Member

Dr. Tam Spat, ND – Physician Member, Dr. Daniel Rubin, ND – Physician Member

BOARD MEETING MINUTES

Thursday, November 12, 2020 • 12:30 p.m. • Board Room C, First Floor

1740 W. Adams Phoenix, AZ 85007

To Attend Via Phone 1-877-820-7831 Passcode 715853

1. CALL TO ORDER BY PRESIDING OFFICER

A. Roll call of Board members and establishment of a quorum to conduct meetings.

Dr. Sadilek called the meeting to order at 12:30 pm. Ms. Anthony called roll.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
All Present Via Phone	7	x	x	x	x	x	x	x
Absent	0							
Vacant	0							

B. Acknowledgement of presence of Board staff and legal counsel.

Ms. Sarah Asta, Assistant Attorney General

Ms. Gail Anthony, Executive Director

2. DECLARATIONS OF CONFLICTS OF INTEREST

None Declared

3. CIVILITY STATEMENT

Dr. Sadilek read the statement into the record.

4. CONSENT AGENDA – REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF THE FOLLOWING APPLICATIONS.

- A. Naturopathic Medical License by Examination
 - Garza, Anna (temporary license issued in accordance with A.R.S. § 32-1522.01)
 - Langston, Danielle (temporary license issued in accordance with A.R.S. § 32-1522.01)
 - Linneman, Kimberly (temporary license issued in accordance with A.R.S. § 32-1522.01)
 - Powell, Arthur (temporary license issued in accordance with A.R.S. § 32-1522.01)
 - Stills, Benjamin (temporary license issued in accordance with A.R.S. § 32-1522.01)
- B. Naturopathic Medical License by Endorsement
 - Shannon, Jillian
- C. Reinstate Expired Medical License
- D. Reinstatement of Retire Medical License
- E. Renewal Medical License
 - Alejandro, Angelina
 - Allshouse, Andrew
 - Arnold, Frederick
 - Arnold, Kenya
 - Aussems, Christopher
 - Bala, Sarumathy
 - Baxter, Kathy
 - Bejarano, Alfredo
 - Birdsall, Shauna
 - Borakowski, Natalya
 - Brandeis, Damien
 - Brock, Bonnie
 - Butner, Lana
 - Cavanaugh, Shannon
 - Chandiramani, Ravi
 - Clough, Kelly
 - Coats, Faith
 - Cochran, Jorge
 - Collins, Kelly
 - Cramer, David
 - Cummins, Emy
 - D'Amata, Annette
 - Dardis, Mark
 - Dawahare, Melissa
 - Dickens, Andrew
 - Eischens, Shawna

Ewald, Jaime
Ferchoff, Ryan
Finkler, Jillian
Friedland, Tarah
Gerard, Nicole
Gold, Amy
Graham, Stephanie
Harris, Breckin
Heisig, Mark
Helioti, Maria
Hesler, Carolyn
Hickey, Rachel
Hirons, Kami
Houtan, Houtaneh
Hu, YiQiu
Huston, Stephanie
Hyde, Gayl
Iverson, Carol
Jarvis, Linda
Jeffers, Monica
Johnson, Nick
Johnston, Shantele
Jonas, Mary
Keaton, Dana
Kerievsky, Adam
Kim, Cho Long
Kollin, Cheryl
Krueger, Dylan
Kwan, Calvin
Lambert Rampe, Laura
Lan, Cara
Lane, Kiera
Lashutka, Kenneth
Lee, Stephen
Luevano, Libia
Marcantel, Mary
Marchese, Marianne
Marsh-Jones, Barbara
Massingale, Morgan
McDaniel, Allison
Mcgee, Heather

McNeil, Alexis
Medcalf, Jennifer
Mehrabani, Ardeschir
Milisen, Robert
Milliken, Ann Marie
Monterrey, Dayna
Nafe, Babak
Neeley, Kyle
Noronha, Bethania
Oskin, Jamie
Palzer, Anne
Pierce, Brandy
Porter, Jason
Quart, Kendra
Roberson Alexander, Amanda
Rudderham, Mark
Rudderham, Susan
Ruiz Hernandez, Nidia
Sabatier, Steven
Sandoval-Becker, Estrella
Santo, Carlos
Shafferman, Madelein
Shaheen, Emmalee
Sickinger, Karleen
Smith, Bradley
Smith, Jennifer
Sorr, Steven
Spooner, Carol
Stark, Stephanie
Stefanski, Jessica
Stein, Ashley
Stewart, Elaine
Stone, Carolyn
Strong, Christine
Sundene, Nicole
Swan, Farra
Swanick, Summer
Tehrani, Nirvana
Tellier, Krystal
Trask, Jennifer
Turner, Leila

Turrell, Shana S.
Valentin, Ann-Charlotte
Wagner, Amy
Wazny, Phillip
Wdowin, Garrett
Wheeler, Miriam
Whitney, Travis
Wick, Bonnie
Williams, Allison
Winton, Jeffrey
Wojciak, Bret
Zuniga, Samuel

F. Initial Certificate to Dispense

Garza, Anna
Langston, Danielle
Monson, Carly
Powell, Arthur
Schooler, Rosa-Elise
Tilchen, Joseph
Trockels, Kristine
Werner, Mykayla

G. Reinstatement of Expired Certificate to Dispense

Feria, Lilia
Sweet, Frank

H. Renewal Certificate to Dispense

I. Initial Certificate to Engage in a Clinical Training Program

Becker, Suzanne
Duval, Kaleah
Evilsizor, Heidi
Merola, Noel
Naranjo, Arielle

J. Renewal Certificate to Engage in a Clinical Training Program

Angel, Maria
Bouchard, Jocelyn
Branch, Katie
Figueredo, Nicolas
Haase, Kelly
Hawkins, Kelsey

Haynes, Cyllinda
 Lindsey, Hannah
 Mahoney, Jenalee
 McComas, Alicia
 Morgado-Slychan, Cecilia
 Murphy, Julie
 Otagiri, Hitomi
 Papenfuss, Alena
 Parenti, Alexis
 Peterson, Stephanie
 Rimpel, Vica
 Ross, Megan
 Ruch, Kiana
 Sartor, Clara
 Savaya, Juline
 Scott, Shay-Ann
 Sneed, Andrea
 Tately, Molly
 Vadiopour, Sheyda
 Vohra, Sannah
 Willey, Sally
 Worthy, Paige

- K. Initial Certificate to Engage in a Preceptorship Training Program
- L. Renewal Certificate to Engage in a Preceptorship Training Program
- M. Initial Certificate to Conduct a Preceptorship Training Program
- N. Renewal Certificate to Conduct a Preceptorship Training Program
- O. Initial Certificate to Engage in a Preceptorship Training Program
- P. Initial Medical Assistant Certificate.
- Q. Renewal Medical Assistant Certificate

Consent Agenda Vote. Dr. Rubin moved to approve items 4 A-Q. Seconded by Dr. Sadilek.
 Roll Call Vote: Motion Carried 7 Ayes.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	7	x	x	x	x	x	x	x
No	0							
Abstain	0							
Absent	0							

Recused	0							
Vacant	0							

5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING BOARD CASES.

A. Case No. 20-150, Dr. Amalia Baca, Initial Review.

Dr. Baca was present via phone, along with Attorney Mr. Robert Beardsley.

Ms. Anthony summarized the Board received notice from the Arizona Department of Health Services, outlining an apparent discrepancy between the number of medical marijuana certifications issued by Dr. Baca between July 1, 2019 – December 31, 2019, and the number of CSPMP database queries Dr. Baca performed during that timeframe. According to the notice, Dr. Baca certified 177 patients, and queried only 123. As part of the investigation, 5 patient records were reviewed. All 5 patient records did not include the required copy of the CSPMP.

In her statement to the Board, Dr. Baca admitted that during that timeframe she had failed to run the CSPMP report at the time of the visit for some patients. She stated medical marijuana is not the primary focus of her practice, that it is a very small part of her practice. Dr. Baca explained during 2019 she became overwhelmed with personal and professional matters, which caused shortcomings in her practice. She has since implemented changes to her processes, and has completed the U/A course in medical marijuana. Mr. Beardsley stated that Dr. Baca was in no way running a medical marijuana mill, that she is a small private practice.

Dr. Rubin commented he appreciated the steps Dr. Baca had taken to correct this matter. Dr. Campbell commented that he too appreciated the fact Dr. Baca has taken full responsibility for this matter, and had already taken appropriate steps to correct the issue.

Dr. Popiel asked Dr. Baca how the referral was structured. Dr. Baca explained that if the patient did not have any prior medical records, they would see another physician for the examination and diagnosis first, and she would see them afterward for the certification. He asked about one of the charts which disclosed a patient history of head injury, and wondered why the patient was not referred out. Dr. Baca explained that patient was being followed up by their PCP. Dr. Popiel commented he did not see any ICD10 coding in the records. Dr. Baca stated she now has an EMR system which does use ICD10.

Dr. Sadilek asked about the typical procedure for seeing of patients. Dr. Baca summarized that procedure. Dr. Sadilek asked about her initials on the DHS Medical Marijuana certification form, and if they were already copied on the form prior to seeing the patient. She explained that her name was printed in the top portion, but the forms were not signed by her until the patient was seen.

Dr. Baca stated she is no longer certifying patients for medical marijuana through the clinic that was providing referrals, however she would like to keep her ability to certify.

Dr. Popiel commented that Dr. Baca has already made changes to her practice and taken CME, and made a motion to issue a Letter of Concern regarding compliance with obtaining a CSPMP report prior to certification, and including a copy in the patient chart for some patients. Seconded by Dr. Sadilek.

Roll Call Vote: Motion Carried 7 Ayes.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	7	x	x	x	x	x	x	x
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	0							

B. Case No. 20-159, Dr. Bojaj Fernandez , Initial Review.

Dr. Fernandez was present via phone, along with Attorney Mr. Scott King.

Ms. Anthony summarized the Board received a complaint from patient LS, alleging Respondent pushed her into purchasing a package of IVs on her first visit, at which she was very ill, and was later diagnosed by an Emergency Department with COVID-19.

Dr. Fernandez summarized her response to the Board. Dr. Sadilek commented on the lab results from the 6/29/2020 date of service, and confirmed with Dr. Fernandez she had a plan to follow up on the low iron level that presented in the lab results.

Dr. Ruben reviewed the lab and commented on the abnormalities. He also stated he had concerns about the charting and trying to figure out the dosages, stating, “You don’t chart specifics regarding the IV, As an example, you don’t specify how much heparin you used, what the concentration was.”

Dr. Ruben asked Dr. Fernandez to explain the cancelation fee and what is a cancelation agreement doing in a medical clinic and why would you impose something like that on a patient.

Dr. Fernandez stated at the time the patient enters the program they purchase the items, and if they don’t show up the clinic is eating the costs. It is not cost effective unless you know they are going to complete the entire program. The patient has an option to cancel the program. Dr. Rubin confirmed with Dr. Fernandez that her statements mean she purchased ingredients for the IV specifically for each patient,

and that if the patient chooses not to continue, they have the option to pick up those ingredients, which they purchased exclusively for them, and that those ingredients are not used for other patients. Dr. Rubin stated that if a patient prepay for something, such as a wellness check, and does not need it, you are forcing the patient back into the clinic. He asked Dr. Fernandez how she handles a patient who purchases a package and may need a little more or a little less, when they prepay, and need a little less do you refund them? Dr. Fernandez stated they would refund them.

Dr. Popiel confirmed with Dr. Fernandez that her statement was the patient was no longer in her care when she found out she was positive for COVID19. He commented that it was unbelievable that Dr. Fernandez was having a conversation with the patient week after week for 30 minutes while she was getting an IV, that she was COVID positive, and it never came up in the conversation. Dr. Fernandez stated the patient never mentioned she was COVID positive.

Dr. Popiel asked at what point would you take it upon yourself to find out what the results of the pending test are, it appears there was nothing proactive on the part of the clinic to find out the results. Dr. Popiel asked, for the safety of the patient and the safety of the staff, did anyone from your clinic take it upon themselves to find out what the results were?

Dr. Fernandez stated they only took it upon themselves to state the results were pending every time she came in.

Dr. Popiel stated it looks like 90% of the chart notes are cut and paste, and as Dr. Rubin pointed out there are insufficiencies in your charting. Dr. Rubin pointed out there is no change from chart note to chart note.

Dr. Sadilek commented your plan portion should have a follow up. It is helpful if you put in your plan portion specific follow ups such as what you will do to follow up on her lab abnormalities, or what you will do to follow up on COVID test results.

Dr. Sadilek moved on to statements by the complainant LS, who was also attending via phone.

LS stated that Dr. Fernandez did not spend 30 minute with her at each session, that she would simply hook her up to the IV and leave the room. Along with the IV package she purchased, she paid \$500.00 for a stool test that she never received and was told she also needed a food sensitivity test which she refused to purchase. LS stated she told Dr. Fernandez about both COVID tests, and when she was notified about the positive results, she called the office. She stated she spoke with Bobby, and Bobby told her to continue with the IV's. LS stated when she presented to the office on the first day, she was very ill, Dr. Fernandez only offered IV packages of 10 or 20 and, she was required to give them \$1,000.00 down payment, and signed an agreement for payment of the remaining costs of the IV's which totaled almost \$4,600.00. LS stated she told Dr. Fernandez she was concerned about the costs, and the response from Dr. Fernandez was that you can't put a price on your life. LS stated on the last visit she experienced some issues with the IV administration, however Dr. Fernandez never checked on her.

Dr. Popiel commented that all the chart notes were completed by Dr. Fernandez on 8/30/2020, 6 weeks after the visit, and wondered how much would Dr. Fernandez have remembered about the patient visits over a month later when she was completing the chart.

Dr. Sadilek asked if Dr. Fernandez received payment for her services. She stated the credit card was reversed and she lost all the payments. LS stated that she received information from Wells Fargo, that they are allowing the payment already paid, \$3,265.42 because she signed an agreement with the clinic.

Dr. Rubin stated that the case may need to be forwarded to a Formal Interview.

Dr. Campbell asked LS if she provided the written confirmation of the positive COVID test to the office. LS stated she had not. Dr. Campbell confirmed with LS that when she received notice of the positive COVID test she called the office and spoke with Bobby.

Dr. Campbell asked Dr. Fernandez about Bobby and what his role in the practice is. Dr. Fernandez state that Bobby Fernandez is the Co-Owner and Operational Manager. Dr. Fernandez stated that if LS had told him she was positive, he would have notified her right away. Dr. Fernandez said there were no telephone calls from LS.

Dr. Campbell requested LS and Dr. Fernandez to provide copies of their phone records, and a statement from Bobby Fernandez regarding recollection of phone conversations with LS.

Dr. Popiel stated there are more questions at this time and the matter needs to be forwarded to Formal Interview.

Dr. Rubin made a motion to move the matter to Formal Interview. Seconded by Dr. Campbell. Roll Call Vote: Motion Carried 7 Ayes.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	7	x	x	x	x	x	x	x
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	0							

Dr. Rubin left the meeting at 2:59 pm.

6. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR CERTIFICATE TO ENGAGE IN CLINICAL TRAINING.

A. Rawlins, Sarah

Ms. Anthony summarized the application. Ms. Rawlins was present via phone.

Ms. Rawlins was present via phone, and referenced her supplementation and indicated the charges were a very long time ago and dismissed. Dr. Sadilek asked Ms. Rawlins if she feels she is able to participate in the clinical training program. Ms. Rawlins indicated she was.

Dr. Sadilek made a motion to approve the application. Seconded by Dr. Campbell.

Roll Call: Motion Carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x	x		x
No	0							
Abstain	0							
Absent	1						x	
Recused	0							
Vacant	0							

B. McGovern, Sean

Ms. Anthony summarized the application. Mr. McGovern was present via phone.

Mr. McGovern was present via phone. Dr. Sadilek asked if there were any comments by Board staff or members.

Dr. Popiel made a motion to approve the application. Seconded by Dr. Sadilek.

Roll Call: Motion Carried 6 Ayes, 1 Absent

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x	x		x
No	0							
Abstain	0							
Absent	1						x	
Recused	0							
Vacant	0							

C. Tarver, Katherine

Ms. Anthony summarized the application. Dr. Sadilek noted Ms. Tarver was not on the line, and asked if any of the Board members had a concern regarding the application. There were no concerns.

Dr. Sadilek made a motion to approve the application. Seconded by Dr. Campbell.

Roll Call: Motion Carried 6 Ayes, 1 Absent

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x	x		x

No	0							
Abstain	0							
Absent	1						x	
Recused	0							
Vacant	0							

D. Magee, Brian

Ms. Anthony summarized the application. Mr. Magee was present via phone. Dr. Sadilek asked if Mr. Magee had any current problems, no additional formal arrests. Mr. Magee stated there were no current problems and no additional arrests. Dr. Sadilek made a motion to approve the application. Seconded by Dr. Popiel. Roll Call: Motion Carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x	x		x
No	0							
Abstain	0							
Absent	1						x	
Recused	0							
Vacant	0							

7. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR RENEWAL OF MEDICAL LICENSE.

A. Spat, Tam

Dr. Spat recused. Dr. Sadilek made a motion to approve the application for renewal of medical license. Seconded by Dr. Popiel. Motion Carried 5 Ayes, 1 Recused, 1 Absent

B. Popiel, Brian

Dr. Popiel recused. Dr. Sadilek made a motion to approve the application for renewal of medical license. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Recused, 1 Absent.

8. CONSENT AGENDA VOTE. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.

Draft Minutes of October 8, 2020 Open Session.

Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Popiel. Motion carried 6 Ayes, 1 Absent

9. EXECUTIVE DIRECTOR'S REPORT

- A. Budget
- B. Current Licensee and Certificate Holder Numbers
- C. Current Number of Board Cases Under Investigation, Pending Before OAH, or On Hold Pending Outcome of Criminal Case.
- D. Practice Monitor Follow up Information Regarding Dr. Orville Weyrich

No action taken or required by the Board.

10. FUTURE AGENDA ITEMS

None Requested

11. CALL TO THE PUBLIC

No Requests

12. ADJOURNMENT

Dr. Sadilek adjourned the meeting at 3:07 PM.